

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1523.00
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: February 2, 2000
DATE OF REPORT: March 1, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: December 5, 2000

COMPLAINT ISSUES:

Whether the Anderson Community School Corporation violated:

511 IAC 7-12-1(b) with regard to the School's alleged failure to schedule the case conference committee (CCC) meeting at a mutually agreed upon date, time, and place.

34 CFR 300.344(a)(2) with regard to the School's alleged failure to include at least one general education teacher in the CCC meeting.

511 IAC 7-12-1(f) with regard to the School's alleged failure to include the speech language pathologist in the January 18, 2000, CCC meeting for a student identified with a communication disorder.

FINDINGS OF FACT:

1. The Student is a twelve-year-old, seventh-grade student who is eligible for special education and related services due to a learning disability and a communication disorder.
2. The CCC meeting Summary Report dated December 7, 1999, states a CCC meeting is scheduled for January 31, 2000. Subsequent to the December 7, 1999, meeting it was determined by the School that an annual case review meeting needed to be convened. The Student's school had arranged for all annual case reviews to be completed on January 12, 14, 18, and 19. On January 6, 2000, the Student took home a letter that indicated the type of meeting that needed to be convened. The letter indicated the School was scheduling annual case review meetings for students receiving special education services. The School and parent agreed that the annual case review meeting would be conducted by a telephone conference call at 10:15 a.m. on January 18, 2000. The School sent a notice of the case conference to the parent. The parent signed the form indicating she could participate in the meeting by a telephone conference call on January 18, 2000, at 10:15 a.m., and the Student returned the form to the School. The parent signed the IEP written on January 18, 2000, indicating she agreed

with the services recommended and giving permission for the IEP to be implemented. The CCC meeting of January 31, 2000, was convened as previously scheduled.
3. Although it is checked on page two of the CCC meeting Summary Report that a general education teacher was present, the School and the Director acknowledge that a general education teacher was not present at the annual case review that was conducted by a telephone conference call on January 18, 2000.

4. Complaint Report #1460.99 reflects that this same school failed to provide a general education teacher at nine CCC meetings from August 1998 through August 1999. The School Corporation was required to initiate corrective action no later than October 15, 1999, to prevent this situation from reoccurring in the future. The Director states she did in-service all building administrators and other appropriate staff regarding the requirements of 34 CFR 300.344(a)(2), but at this particular school there remains a problem concerning this issue.
5. The Student's speech-language pathologist was unable to attend the annual case review meeting convened on January 18, 2000. However, the speech-language pathologist did update the special education teacher regarding Student's speech goals and provided her with a copy of the goals prior to the annual case review meeting. The speech-language pathologist also advised the special education teacher that the parent should feel free to call her should the parent have questions. This special education teacher and one other of the Student's special education teachers attended the annual case review meeting convened on January 18, 2000.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the School scheduled the annual case review meeting at a mutually agreed upon date, time, and place. Therefore, no violation of 511 IAC 7-12-1(b) is found.
2. Findings of Fact #3 and #4 indicate that the School failed to include at least one general education teacher in the annual case review meeting convened on January 18, 2000. Therefore, a violation of 34 CFR 300.344(a)(2) is found.
3. Findings of Fact #1 and #5 reflects the Student has been determined eligible for special education due to a learning disability and a communication disorder, and that two special education teachers attended the annual case review meeting convened on January 18, 2000. Therefore, no violation of 511 IAC 7-12-1(f) is found

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Anderson Community School Corporation shall:

1. In-service all appropriate staff at school in question that per 34 CFR 300.344(a)(2) a general education teacher must attend all CCC meetings. Submit to the Division no later than March 24, 2000, written documentation that this has been completed, including a list of those receiving training by name and title.
2. Submit a letter of assurance to the Division no later than March 24, 2000, that this particular school will provide a general education teacher at all future CCC meetings.

As part of the corrective action, the complaint investigator will conduct an on-site review of randomly selected IEPs for students at the school in question, as well as follow-up interviews with staff to ensure that a general education teacher was a CCC participant. This review will occur in May, 2000 and will be scheduled with the local director.

DATE REPORT COMPLETED: March 1, 2000